

GLEN DAVIS (AMENDMENT) BILL.

*Schedule of the Amendments referred to in Legislative Council's
Message of 18 September, 1974*

- No. 1.—Page 3, clause 2, line 17—*Omit* the words “from the search”.
No. 2.—Page 5, clause 2, line 15—*Omit* the words “from the search”.

THE HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
REPORT

ON THE
PROCEEDINGS OF THE
SUBCOMMITTEE ON CONSTITUTIONAL
MATTERS

IN INVESTIGATION OF
THE ACTS AND OMISSIONS OF
THE PRESIDENT OF THE UNITED STATES
DURING HIS TERM OF OFFICE

WILL

Legislative Council's
374

on the search.
on the search.

THE HOUSE OF REPRESENTATIVES
COMMITTEE ON THE JUDICIARY
REPORT

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 29 August, 1974.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

A. W. SAXON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 18 September, 1974.*

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. , 1974.

An Act to provide for owners of lands in the town of Glen Davis to be divested of their estates and interests in those lands without payment of compensation; to enable those lands to be declared Crown lands; for these and other purposes to amend the Glen Davis Act, 1939; and for purposes connected therewith.

BE

Glen Davis (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Glen Davis Short title. (Amendment) Act, 1974".

2. The Glen Davis Act, 1939, is amended—

Amendment of Act No. 38, 1939.

(a) by inserting in section 1 (4) after the matter relating to Part V the following matter :—

Sec. 1. (Short title and commencement.)

PART VA.—DISPOSAL OF LAND.

(b) by inserting after Part V the following Part :—

Part VA.

PART VA.

DISPOSAL OF LAND.

26A. In this Part—

Interpretation: Part VA.

"Crown lands" has the meaning ascribed thereto in the Crown Lands Consolidation Act, 1913;

"owner", in relation to town lands, includes every person who jointly or severally, whether at law or in equity—

(a) is entitled to town lands for any estate of freehold in possession; or

(b) is entitled to receive, or is in receipt of, or if the town lands were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

"town

Glen Davis (Amendment).

“town lands” means lands granted under Part V or any part of those lands.

5 26B. The Minister may give written notice to an owner of town lands that the owner may divest himself of his estate and interest in those lands in accordance with the provisions of this Part. Notice by Minister of divesting.

10 26C. An owner of town lands may give written notice to the Minister that he wishes to divest himself of his estate and interest in those lands in accordance with the provisions of this Part. Notice by owner of divesting.

15 26D. Upon the receipt of a notice under section 26C, the Minister shall, in respect of the lands to which that notice relates— Search and notification.

(a) cause a search to be made against those lands; and

20 (b) give written notification to any person who appears from the search to have an estate or interest in those lands, other than the person from whom the notice under section 26C has been received, which shall—

(i) state that a notice has been received under section 26C;

25 (ii) state that the Minister may, on the expiration of a period of not less than thirty days from the date of the notification, declare those lands to be Crown lands under section 26F;

30 (iii) inform the person to whom the notification is addressed that no compensation shall be payable to him on the making of a declaration under section 26F; and

(iv)

Glen Davis (Amendment).

5 (iv) inform the person to whom the notification is addressed of his right to object to the Minister under section 26E against the making of a declaration under section 26F in respect of those lands.

10 26E. (1) At any time during the period referred to in section 26D (b) (ii), a person who has or claims to have an estate or interest in the lands to which a notification referred to in section 26D (b) relates, may object in writing to the Minister against the making of a declaration under section 26F in respect of those lands. Objections.

15 (2) The Minister shall consider and determine all objections made under subsection (1) and shall notify each objector of his determination concerning the objection.

20 (3) The Minister shall not make a declaration under section 26F until such time as the period referred to in section 26D (b) (ii) has expired or until he has notified his determination of any objection made under subsection (1) to the objector, whichever shall last occur.

25 26F. Subject to sections 26C, 26D and 26E, the Minister may, if he is of the opinion that it is desirable to do so, declare, by notice published in the Gazette, town lands to be Crown lands. Minister may declare lands to be Crown lands.

30 26G. Subject to sections 26H, 26I and 26J, where, before or after the commencement of the Glen Davis (Amendment) Act, 1974, a rate levied under the Local Government Act in respect of town lands is overdue for more than five years, the Minister may, if he is of the opinion that it is desirable to do so, declare, by notice published in the Gazette, those town lands to be Crown lands. Minister may declare lands to be Crown lands where rates are overdue.

35

26H.

Glen Davis (Amendment).

5 26H. The Minister shall not make a declaration under section 26G unless the shire clerk of the Blaxland Shire Council first certifies in writing what rates are due or payable to that Council in respect of the town lands, with particulars of the rates, when the rates were made and how levied and when they became due or payable. Shire clerk's certificate.

10 26I. Upon the receipt of a certificate from the shire clerk under section 26H, the Minister shall, in respect of the lands to which that certificate relates— Search and notification.

 (a) cause a search to be made against those lands; and

15 (b) give written notification to any person who appears ~~from the search~~ to have an estate or interest in those lands which shall—

20 (i) state that the Minister may, on the expiration of a period of not less than thirty days from the date of the notification, declare those lands to be Crown lands under section 26G; and

25 (ii) inform the person to whom the notification is addressed of the provisions of section 26J.

 26J. Where, in respect of town lands, before the expiration of the period referred to in section 26I (b) (i)— Payment of rates.

30 (a) an overdue rate, and all other rates due and in arrears, are paid to the Blaxland Shire Council; or

(b)

Glen Davis (Amendment).

(b) an arrangement satisfactory to the Blaxland Shire Council for repayment of the rates referred to in paragraph (a) is entered into by the owner,

5 the Minister shall not make a declaration under section 26G.

26K. The Minister may make a declaration in respect of town lands under section 26G notwithstanding that a notice has not been received from the owner of those town lands under section 26C. Making of declaration by Minister.

10

26L. On the publication in the Gazette of a notice under section 26F or section 26G, in relation to the town lands described in that notice— Divesting of estate, interest, etc., in land on publication of notice.

15

(a) any estate or interest therein which, immediately before the date of publication of the notice, was vested in or held by any person or body of persons shall be divested;

20

(b) any person or body referred to in paragraph (a) shall be discharged from any duties, liabilities or obligations existing immediately before the date of publication of the notice in respect thereof;

25

(c) any trusts, conditions, encumbrances, dedications or reservations affecting the town lands immediately before the date of publication of the notice shall be revoked and annulled; and

30

(d) notwithstanding the provisions of the Local Government Act, the Blaxland Shire Council shall write off all rates and charges due to it in respect thereof.

26M. No compensation shall be payable to any person or body of persons in respect of the divesting of any estate or interest under this Part. No compensation payable.

26N.

Glen Davis (Amendment).

5 26N. The Registrar-General shall make all such Registrar-General shall make entries, recordings, notifications and cancellations in the Register kept by him under the Real Property Act, 1900, as to him seem necessary or convenient in consequence of the enactment of this Part. entries, etc., in Register.

10 26O. A notice or notification authorised or required to be given under this Part may be given as if it were a notice required to be served upon an owner of land by or under the Local Government Act. Service of notices.

(c) by omitting section 33 (3) and (4) and by inserting instead the following subsection :— Sec. 33. (Regulations.)

15 (3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974
[10c]

Section 100

The Registrar General shall make all such regulations as may be necessary for the better carrying out of the provisions of this Act, and the powers conferred on him by this section shall be exercisable by him either personally or by such officers as he may appoint in that behalf.

(2) Section 100 of the Interpretation Act 1950 shall apply in respect of a regulation made under this section as if it were an Act of Parliament passed after the commencement of that Act (Interpretation Act 1950).

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 29 August, 1974.*

New South Wales



— ANNO VICESIMO TERTIO —

ELIZABETHÆ II REGINÆ

Act No. , 1974.

An Act to provide for owners of lands in the town of Glen Davis to be divested of their estates and interests in those lands without payment of compensation; to enable those lands to be declared Crown lands; for these and other purposes to amend the Glen Davis Act, 1939; and for purposes connected therewith.

BE

Glen Davis (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Glen Davis Short title. (Amendment) Act, 1974".

2. The Glen Davis Act, 1939, is amended—

Amendment of Act No. 38, 1939.

(a) by inserting in section 1 (4) after the matter relating to Part V the following matter :—

Sec. 1. (Short title and commencement.)

PART VA.—DISPOSAL OF LAND.

(b) by inserting after Part V the following Part :—

Part VA.

PART VA.

DISPOSAL OF LAND.

26A. In this Part—

Interpretation: Part VA.

"Crown lands" has the meaning ascribed thereto in the Crown Lands Consolidation Act, 1913;

"owner", in relation to town lands, includes every person who jointly or severally, whether at law or in equity—

(a) is entitled to town lands for any estate of freehold in possession; or

(b) is entitled to receive, or is in receipt of, or if the town lands were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

"town

Glen Davis (Amendment).

“town lands” means lands granted under Part V or any part of those lands.

5 26B. The Minister may give written notice to an owner of town lands that the owner may divest himself of his estate and interest in those lands in accordance with the provisions of this Part. Notice by Minister of divesting.

10 26C. An owner of town lands may give written notice to the Minister that he wishes to divest himself of his estate and interest in those lands in accordance with the provisions of this Part. Notice by owner of divesting.

 26D. Upon the receipt of a notice under section 26C, the Minister shall, in respect of the lands to which that notice relates— Search and notification.

15 (a) cause a search to be made against those lands; and

 (b) give written notification to any person who appears from the search to have an estate or interest in those lands, other than the person from whom the notice under section 26C has been received, which shall—

20 (i) state that a notice has been received under section 26C;

25 (ii) state that the Minister may, on the expiration of a period of not less than thirty days from the date of the notification, declare those lands to be Crown lands under section 26F;

30 (iii) inform the person to whom the notification is addressed that no compensation shall be payable to him on the making of a declaration under section 26F; and

(iv)

Glen Davis (Amendment).

5 (iv) inform the person to whom the notification is addressed of his right to object to the Minister under section 26E against the making of a declaration under section 26F in respect of those lands.

10 26E. (1) At any time during the period referred to in section 26D (b) (ii), a person who has or claims to have an estate or interest in the lands to which a notification referred to in section 26D (b) relates, may object in writing to the Minister against the making of a declaration under section 26F in respect of those lands. Objections.

15 (2) The Minister shall consider and determine all objections made under subsection (1) and shall notify each objector of his determination concerning the objection.

20 (3) The Minister shall not make a declaration under section 26F until such time as the period referred to in section 26D (b) (ii) has expired or until he has notified his determination of any objection made under subsection (1) to the objector, whichever shall last occur.

25 26F. Subject to sections 26C, 26D and 26E, the Minister may, if he is of the opinion that it is desirable to do so, declare, by notice published in the Gazette, town lands to be Crown lands. Minister may declare lands to be Crown lands.

30 26G. Subject to sections 26H, 26I and 26J, where, before or after the commencement of the Glen Davis (Amendment) Act, 1974, a rate levied under the Local Government Act in respect of town lands is overdue for more than five years, the Minister may, if he is of the opinion that it is desirable to do so, declare, by notice published in the Gazette, those town lands to be Crown lands. Minister may declare lands to be Crown lands where rates are overdue.

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26H.

Glen Davis (Amendment).

5 **26H.** The Minister shall not make a declaration ^{Shire clerk's} under section 26G unless the shire clerk of the ^{certificate.} Blaxland Shire Council first certifies in writing what rates are due or payable to that Council in respect of the town lands, with particulars of the rates, when the rates were made and how levied and when they became due or payable.

10 **26I.** Upon the receipt of a certificate from the ^{Search and} shire clerk under section 26H, the Minister shall, in ^{notification.} respect of the lands to which that certificate relates—

- (a) cause a search to be made against those lands; and
- 15 (b) give written notification to any person who appears from the search to have an estate or interest in those lands which shall—
 - 20 (i) state that the Minister may, on the expiration of a period of not less than thirty days from the date of the notification, declare those lands to be Crown lands under section 26G; and
 - 25 (ii) inform the person to whom the notification is addressed of the provisions of section 26J.

26J. Where, in respect of town lands, before the ^{Payment of} expiration of the period referred to in section ^{rates.} 26I (b) (i)—

- 30 (a) an overdue rate, and all other rates due and in arrears, are paid to the Blaxland Shire Council; or

(b)

Glen Davis (Amendment).

(b) an arrangement satisfactory to the Blaxland Shire Council for repayment of the rates referred to in paragraph (a) is entered into by the owner,

5 the Minister shall not make a declaration under section 26G.

10 26K. The Minister may make a declaration in respect of town lands under section 26G notwithstanding that a notice has not been received from the owner of those town lands under section 26C. Making of declaration by Minister.

26L. On the publication in the Gazette of a notice under section 26F or section 26G, in relation to the town lands described in that notice— Divesting of estate, interest, etc., in land on publication of notice.

15 (a) any estate or interest therein which, immediately before the date of publication of the notice, was vested in or held by any person or body of persons shall be divested;

20 (b) any person or body referred to in paragraph (a) shall be discharged from any duties, liabilities or obligations existing immediately before the date of publication of the notice in respect thereof;

25 (c) any trusts, conditions, encumbrances, dedications or reservations affecting the town lands immediately before the date of publication of the notice shall be revoked and annulled; and

30 (d) notwithstanding the provisions of the Local Government Act, the Blaxland Shire Council shall write off all rates and charges due to it in respect thereof.

26M. No compensation shall be payable to any person or body of persons in respect of the divesting of any estate or interest under this Part. No compensation payable.

26N.

Glen Davis (Amendment).

5 26N. The Registrar-General shall make all such entries, recordings, notifications and cancellations in the Register kept by him under the Real Property Act, 1900, as to him seem necessary or convenient in consequence of the enactment of this Part. Registrar-General shall make entries, etc., in Register.

10 26O. A notice or notification authorised or required to be given under this Part may be given as if it were a notice required to be served upon an owner of land by or under the Local Government Act. Service of notices.

(c) by omitting section 33 (3) and (4) and by inserting instead the following subsection :— Sec. 33. (Regulations.)

15 (3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1974

[10c]

Glenn Davis (amendment)

200. The Registrar-General shall make all such entries, recordings, notifications and cancellations in the Registrar-General's Office under the Local Property Act, 1909, as to him seem necessary or convenient in consequence of the enactment of this Part.

200A. A notice or notification authorised or required to be given under this Part may be given as if it were a notice required to be served upon an owner of land by or under the Local Government Act.

(c) by amending section 33 (2) and (3) and by inserting in the following subsection:—

(3) Section 41 of the Interpretation Act, 1907, shall apply in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1937.

No. , 1974.

A BILL

To provide for owners of lands in the town of Glen Davis to be divested of their estates and interests in those lands without payment of compensation; to enable those lands to be declared Crown lands; for these and other purposes to amend the Glen Davis Act, 1939; and for purposes connected therewith.

[SIR CHARLES CUTLER—27 August, 1974.]

BE

Glen Davis (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Glen Davis Short title. (Amendment) Act, 1974".

2. The Glen Davis Act, 1939, is amended—

Amendment of Act No. 38, 1939.

(a) by inserting in section 1 (4) after the matter relating to Part V the following matter :—

Sec. 1. (Short title and commencement.)

PART VA.—DISPOSAL OF LAND.

(b) by inserting after Part V the following Part :—

Part VA.

PART VA.

DISPOSAL OF LAND.

26A. In this Part—

Interpretation: Part VA.

"Crown lands" has the meaning ascribed thereto in the Crown Lands Consolidation Act, 1913;

"owner", in relation to town lands, includes every person who jointly or severally, whether at law or in equity—

(a) is entitled to town lands for any estate of freehold in possession; or

(b) is entitled to receive, or is in receipt of, or if the town lands were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

"town

Glen Davis (Amendment).

5 (iv) inform the person to whom the notification is addressed of his right to object to the Minister under section 26E against the making of a declaration under section 26F in respect of those lands.

10 26E. (1) At any time during the period referred to in section 26D (b) (ii), a person who has or claims to have an estate or interest in the lands to which a notification referred to in section 26D (b) relates, may object in writing to the Minister against the making of a declaration under section 26F in respect of those lands. Objections.

15 (2) The Minister shall consider and determine all objections made under subsection (1) and shall notify each objector of his determination concerning the objection.

20 (3) The Minister shall not make a declaration under section 26F until such time as the period referred to in section 26D (b) (ii) has expired or until he has notified his determination of any objection made under subsection (1) to the objector, whichever shall last occur.

25 26F. Subject to sections 26C, 26D and 26E, the Minister may, if he is of the opinion that it is desirable to do so, declare, by notice published in the Gazette, town lands to be Crown lands. Minister may declare lands to be Crown lands.

30 26G. Subject to sections 26H, 26I and 26J, where, before or after the commencement of the Glen Davis (Amendment) Act, 1974, a rate levied under the Local Government Act in respect of town lands is overdue for more than five years, the Minister may, if he is of the opinion that it is desirable to do so, declare, by notice published in the Gazette, those town lands to be Crown lands. Minister may declare lands to be Crown lands where rates are overdue.

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26H.

Glen Davis (Amendment).

5 26H. The Minister shall not make a declaration ^{Shire clerk's} under section 26G unless the shire clerk of the ^{certificate.} Blaxland Shire Council first certifies in writing what rates are due or payable to that Council in respect of the town lands, with particulars of the rates, when the rates were made and how levied and when they became due or payable.

10 26I. Upon the receipt of a certificate from the ^{Search and} shire clerk under section 26H, the Minister shall, in ^{notification.} respect of the lands to which that certificate relates—

- (a) cause a search to be made against those lands; and
- 15 (b) give written notification to any person who appears from the search to have an estate or interest in those lands which shall—
 - 20 (i) state that the Minister may, on the expiration of a period of not less than thirty days from the date of the notification, declare those lands to be Crown lands under section 26G; and
 - 25 (ii) inform the person to whom the notification is addressed of the provisions of section 26J.

 26J. Where, in respect of town lands, before the ^{Payment of} expiration of the period referred to in section ^{rates.} 26I (b) (i)—

- 30 (a) an overdue rate, and all other rates due and in arrears, are paid to the Blaxland Shire Council; or

(b)

Glen Davis (Amendment).

(b) an arrangement satisfactory to the Blaxland Shire Council for repayment of the rates referred to in paragraph (a) is entered into by the owner,

5 the Minister shall not make a declaration under section 26G.

10 26K. The Minister may make a declaration in respect of town lands under section 26G notwithstanding that a notice has not been received from the owner of those town lands under section 26C. Making of declaration by Minister.

15 26L. On the publication in the Gazette of a notice under section 26F or section 26G, in relation to the town lands described in that notice— Divesting of estate, interest, etc., in land on publication of notice.

(a) any estate or interest therein which, immediately before the date of publication of the notice, was vested in or held by any person or body of persons shall be divested;

20 (b) any person or body referred to in paragraph (a) shall be discharged from any duties, liabilities or obligations existing immediately before the date of publication of the notice in respect thereof;

25 (c) any trusts, conditions, encumbrances, dedications or reservations affecting the town lands immediately before the date of publication of the notice shall be revoked and annulled; and

30 (d) notwithstanding the provisions of the Local Government Act, the Blaxland Shire Council shall write off all rates and charges due to it in respect thereof.

26M. No compensation shall be payable to any person or body of persons in respect of the divesting of any estate or interest under this Part. No compensation payable.

26N.

Glen Davis (Amendment).

5 26N. The Registrar-General shall make all such Registrar-General shall make entries, recordings, notifications and cancellations in the Register kept by him under the Real Property Act, 1900, as to him seem necessary or convenient in consequence of the enactment of this Part. entries, etc., in Register.

10 26O. A notice or notification authorised or required to be given under this Part may be given as if it were a notice required to be served upon an owner of land by or under the Local Government Act. Service of notices.

(c) by omitting section 33 (3) and (4) and by inserting instead the following subsection :— Sec. 33. (Regulations.)

15 (3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

Section 1

The Board of Directors shall have the authority to make and alter the bylaws of the corporation and to suspend or modify any such bylaw insofar as the same may be inconsistent with the powers and rights herein granted to the Board of Directors.

A. A portion of the proceeds of the sale of the property shall be used to pay the expenses of the sale and the expenses of the corporation.

Section 2. The Board of Directors shall have the authority to make and alter the bylaws of the corporation and to suspend or modify any such bylaw insofar as the same may be inconsistent with the powers and rights herein granted to the Board of Directors.

Section 3. The Board of Directors shall have the authority to make and alter the bylaws of the corporation and to suspend or modify any such bylaw insofar as the same may be inconsistent with the powers and rights herein granted to the Board of Directors.

GLEN DAVIS (AMENDMENT) BILL, 1974

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to provide for owners of lands in the town of Glen Davis to be divested of their estates and interests in those lands without payment of compensation where—
 - (i) the owners request the Minister to do so; or
 - (ii) a rate levied under the Local Government Act, 1919, in respect of those lands is overdue for more than five years;
- (b) to enable persons, other than owners, who have an interest in those lands to object to the Minister against the divesting of the estate and interest in the circumstances referred to in paragraph (a) (i);
- (c) to provide for the determination of objections;
- (d) to empower the Minister to declare lands in the town of Glen Davis to be Crown lands within the meaning of the Crown Lands Consolidation Act, 1913;
- (e) to provide that rates which are overdue on lands declared to be Crown lands may be written off by the Blaxland Shire Council;
- (f) to amend the Glen Davis Act, 1939; and
- (g) to make other provisions of a consequential or ancillary character.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

REPORT OF THE COMMITTEE ON THE REVISION OF THE CURRICULUM

FOR THE DEGREE OF BACHELOR OF SCIENCE IN PHYSICS

AND FOR THE DEGREE OF BACHELOR OF SCIENCE IN CHEMISTRY

PREPARED BY THE COMMITTEE ON THE REVISION OF THE CURRICULUM

IN CONSULTATION WITH THE FACULTY OF PHYSICS AND CHEMISTRY

CHICAGO, ILLINOIS, 1954

PROOF

No. , 1974.

A BILL

To provide for owners of lands in the town of Glen Davis to be divested of their estates and interests in those lands without payment of compensation; to enable those lands to be declared Crown lands; for these and other purposes to amend the Glen Davis Act, 1939; and for purposes connected therewith.

[SIR CHARLES CUTLER—27 August, 1974.]

BE

Glen Davis (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as the "Glen Davis Short title. (Amendment) Act, 1974".

2. The Glen Davis Act, 1939, is amended—

Amendment of Act No. 38, 1939.

(a) by inserting in section 1 (4) after the matter relating to Part V the following matter :—

Sec. 1. (Short title and commencement.)

PART VA.—DISPOSAL OF LAND.

(b) by inserting after Part V the following Part :—

Part VA.

PART VA.

DISPOSAL OF LAND.

26A. In this Part—
"Crown lands" has the meaning ascribed thereto in the Crown Lands Consolidation Act, 1913;

Interpretation: Part VA.

"owner", in relation to town lands, includes every person who jointly or severally, whether at law or in equity—

(a) is entitled to town lands for any estate of freehold in possession; or

(b) is entitled to receive, or is in receipt of, or if the town lands were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

"town

Glen Davis (Amendment).

5 (iv) inform the person to whom the notification is addressed of his right to object to the Minister under section 26E against the making of a declaration under section 26F in respect of those lands.

10 26E. (1) At any time during the period referred to in section 26D (b) (ii), a person who has or claims to have an estate or interest in the lands to which a notification referred to in section 26D (b) relates, may object in writing to the Minister against the making of a declaration under section 26F in respect of those lands. Objections.

15 (2) The Minister shall consider and determine all objections made under subsection (1) and shall notify each objector of his determination concerning the objection.

20 (3) The Minister shall not make a declaration under section 26F until such time as the period referred to in section 26D (b) (ii) has expired or until he has notified his determination of any objection made under subsection (1) to the objector, whichever shall last occur.

25 26F. Subject to sections 26C, 26D and 26E, the Minister may, if he is of the opinion that it is desirable to do so, declare, by notice published in the Gazette, town lands to be Crown lands. Minister may declare lands to be Crown lands.

30 26G. Subject to sections 26H, 26I and 26J, where, before or after the commencement of the Glen Davis (Amendment) Act, 1974, a rate levied under the Local Government Act in respect of town lands is overdue for more than five years, the Minister may, if he is of the opinion that it is desirable to do so, declare, by notice published in the Gazette, those town lands to be Crown lands. Minister may declare lands to be Crown lands where rates are overdue.

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26H.

Glen Davis (Amendment).

5 26H. The Minister shall not make a declaration under section 26G unless the shire clerk of the Blaxland Shire Council first certifies in writing what rates are due or payable to that Council in respect of the town lands, with particulars of the rates, when the rates were made and how levied and when they became due or payable. Shire clerk's certificate.

10 26I. Upon the receipt of a certificate from the shire clerk under section 26H, the Minister shall, in respect of the lands to which that certificate relates— Search and notification.

 (a) cause a search to be made against those lands; and

15 (b) give written notification to any person who appears from the search to have an estate or interest in those lands which shall—

20 (i) state that the Minister may, on the expiration of a period of not less than thirty days from the date of the notification, declare those lands to be Crown lands under section 26G; and

25 (ii) inform the person to whom the notification is addressed of the provisions of section 26J.

26J. Where, in respect of town lands, before the expiration of the period referred to in section 26I (b) (i)— Payment of rates.

30 (a) an overdue rate, and all other rates due and in arrears, are paid to the Blaxland Shire Council; or

(b)

Glen Davis (Amendment).

- (b) an arrangement satisfactory to the Blaxland Shire Council for repayment of the rates referred to in paragraph (a) is entered into by the owner,

5 the Minister shall not make a declaration under section 26G.

10 26K. The Minister may make a declaration in respect of town lands under section 26G notwithstanding that a notice has not been received from the owner of those town lands under section 26C. Making of declaration by Minister.

15 26L. On the publication in the Gazette of a notice under section 26F or section 26G, in relation to the town lands described in that notice— Divesting of estate, interest, etc., in land on publication of notice.

(a) any estate or interest therein which, immediately before the date of publication of the notice, was vested in or held by any person or body of persons shall be divested;

20 (b) any person or body referred to in paragraph (a) shall be discharged from any duties, liabilities or obligations existing immediately before the date of publication of the notice in respect thereof;

25 (c) any trusts, conditions, encumbrances, dedications or reservations affecting the town lands immediately before the date of publication of the notice shall be revoked and annulled; and

30 (d) notwithstanding the provisions of the Local Government Act, the Blaxland Shire Council shall write off all rates and charges due to it in respect thereof.

26M. No compensation shall be payable to any person or body of persons in respect of the divesting of any estate or interest under this Part. No compensation payable.

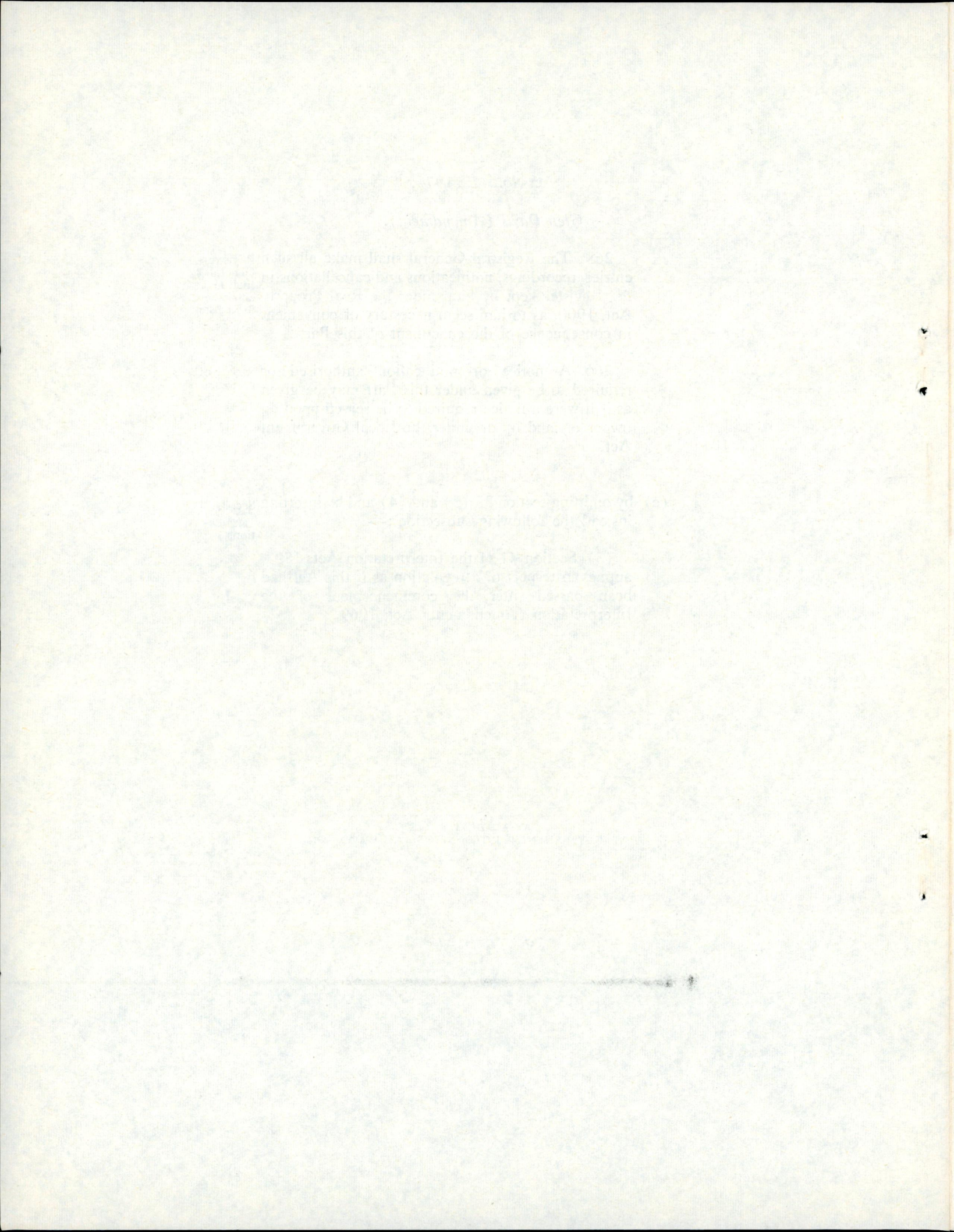
Glen Davis (Amendment).

5 26N. The Registrar-General shall make all such Registrar-General shall make entries, recordings, notifications and cancellations in the Register kept by him under the Real Property Act, 1900, as to him seem necessary or convenient in consequence of the enactment of this Part. entries, etc., in Register.

10 26O. A notice or notification authorised or required to be given under this Part may be given as if it were a notice required to be served upon an owner of land by or under the Local Government Act. Service of notices.

(c) by omitting section 33 (3) and (4) and by inserting instead the following subsection :— Sec. 33. (Regulations.)

15 (3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.



New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 61, 1974.

An Act to provide for owners of lands in the town of Glen Davis to be divested of their estates and interests in those lands without payment of compensation; to enable those lands to be declared Crown lands; for these and other purposes to amend the Glen Davis Act, 1939; and for purposes connected therewith. [Assented to, 16th October, 1974.]

BE

Glen Davis (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Glen Davis (Amendment) Act, 1974".

Amendment of Act No. 38, 1939. **2.** The Glen Davis Act, 1939, is amended—

Sec. 1. (Short title and commencement.) (a) by inserting in section 1 (4) after the matter relating to Part V the following matter :—

PART VA.—DISPOSAL OF LAND.

Part VA. (b) by inserting after Part V the following Part :—

PART VA.

DISPOSAL OF LAND.

Interpretation: Part VA.

26A. In this Part—

"Crown lands" has the meaning ascribed thereto in the Crown Lands Consolidation Act, 1913;

"owner", in relation to town lands, includes every person who jointly or severally, whether at law or in equity—

(a) is entitled to town lands for any estate of freehold in possession; or

(b) is entitled to receive, or is in receipt of, or if the town lands were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

"town

Glen Davis (Amendment).

“town lands” means lands granted under Part V or any part of those lands.

26B. The Minister may give written notice to an owner of town lands that the owner may divest himself of his estate and interest in those lands in accordance with the provisions of this Part. Notice by Minister of divesting.

26C. An owner of town lands may give written notice to the Minister that he wishes to divest himself of his estate and interest in those lands in accordance with the provisions of this Part. Notice by owner of divesting.

26D. Upon the receipt of a notice under section 26C, the Minister shall, in respect of the lands to which that notice relates— Search and notification.

- (a) cause a search to be made against those lands; and
- (b) give written notification to any person who appears to have an estate or interest in those lands, other than the person from whom the notice under section 26C has been received, which shall—
 - (i) state that a notice has been received under section 26C;
 - (ii) state that the Minister may, on the expiration of a period of not less than thirty days from the date of the notification, declare those lands to be Crown lands under section 26F;
 - (iii) inform the person to whom the notification is addressed that no compensation shall be payable to him on the making of a declaration under section 26F; and

(iv)

Glen Davis (Amendment).

- (iv) inform the person to whom the notification is addressed of his right to object to the Minister under section 26E against the making of a declaration under section 26F in respect of those lands.

Objections.

26E. (1) At any time during the period referred to in section 26D (b) (ii), a person who has or claims to have an estate or interest in the lands to which a notification referred to in section 26D (b) relates, may object in writing to the Minister against the making of a declaration under section 26F in respect of those lands.

(2) The Minister shall consider and determine all objections made under subsection (1) and shall notify each objector of his determination concerning the objection.

(3) The Minister shall not make a declaration under section 26F until such time as the period referred to in section 26D (b) (ii) has expired or until he has notified his determination of any objection made under subsection (1) to the objector, whichever shall last occur.

Minister may declare lands to be Crown lands.

26F. Subject to sections 26C, 26D and 26E, the Minister may, if he is of the opinion that it is desirable to do so, declare, by notice published in the Gazette, town lands to be Crown lands.

Minister may declare lands to be Crown lands where rates are overdue.

26G. Subject to sections 26H, 26I and 26J, where, before or after the commencement of the Glen Davis (Amendment) Act, 1974, a rate levied under the Local Government Act in respect of town lands is overdue for more than five years, the Minister may, if he is of the opinion that it is desirable to do so, declare, by notice published in the Gazette, those town lands to be Crown lands.

26H.

Glen Davis (Amendment).

26H. The Minister shall not make a declaration under section 26G unless the shire clerk of the Blaxland Shire Council first certifies in writing what rates are due or payable to that Council in respect of the town lands, with particulars of the rates, when the rates were made and how levied and when they became due or payable. Shire clerk's certificate.

26I. Upon the receipt of a certificate from the shire clerk under section 26H, the Minister shall, in respect of the lands to which that certificate relates— Search and notification.

- (a) cause a search to be made against those lands; and
- (b) give written notification to any person who appears to have an estate or interest in those lands which shall—
 - (i) state that the Minister may, on the expiration of a period of not less than thirty days from the date of the notification, declare those lands to be Crown lands under section 26G; and
 - (ii) inform the person to whom the notification is addressed of the provisions of section 26J.

26J. Where, in respect of town lands, before the expiration of the period referred to in section 26I (b) (i)— Payment of rates.

- (a) an overdue rate, and all other rates due and in arrears, are paid to the Blaxland Shire Council; or

(b)

Glen Davis (Amendment).

- (b) an arrangement satisfactory to the Blaxland Shire Council for repayment of the rates referred to in paragraph (a) is entered into by the owner,

the Minister shall not make a declaration under section 26G.

Making of declaration by Minister.

26K. The Minister may make a declaration in respect of town lands under section 26G notwithstanding that a notice has not been received from the owner of those town lands under section 26C.

Divesting of estate, interest, etc., in land on publication of notice.

26L. On the publication in the Gazette of a notice under section 26F or section 26G, in relation to the town lands described in that notice—

- (a) any estate or interest therein which, immediately before the date of publication of the notice, was vested in or held by any person or body of persons shall be divested;
- (b) any person or body referred to in paragraph (a) shall be discharged from any duties, liabilities or obligations existing immediately before the date of publication of the notice in respect thereof;
- (c) any trusts, conditions, encumbrances, dedications or reservations affecting the town lands immediately before the date of publication of the notice shall be revoked and annulled; and
- (d) notwithstanding the provisions of the Local Government Act, the Blaxland Shire Council shall write off all rates and charges due to it in respect thereof.

No compensation payable.

26M. No compensation shall be payable to any person or body of persons in respect of the divesting of any estate or interest under this Part.

26N.

Glen Davis (Amendment).

26N. The Registrar-General shall make all such entries, recordings, notifications and cancellations in the Register kept by him under the Real Property Act, 1900, as to him seem necessary or convenient in consequence of the enactment of this Part. Registrar-General shall make entries, etc., in Register.

26O. A notice or notification authorised or required to be given under this Part may be given as if it were a notice required to be served upon an owner of land by or under the Local Government Act. Service of notices.

- (c) by omitting section 33 (3) and (4) and by inserting instead the following subsection :— Sec. 33. (Regulations.)

(3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975

Section 11 of the Interpretation Act 1957

Section 11 of the Interpretation Act 1957 provides that where an Act contains any expression which is defined in the Interpretation Act 1957, that expression shall have the meaning assigned to it in that Act, unless the context otherwise requires.

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Section 11 of the Interpretation Act 1957 also provides that where an Act contains any expression which is defined in the Interpretation Act 1957, that expression shall have the meaning assigned to it in that Act, unless the context otherwise requires.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

R. E. WARD,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 24 September, 1974.*

New South Wales



ANNO VICESIMO TERTIO

ELIZABETHÆ II REGINÆ

Act No. 61, 1974.

An Act to provide for owners of lands in the town of Glen Davis to be divested of their estates and interests in those lands without payment of compensation; to enable those lands to be declared Crown lands; for these and other purposes to amend the Glen Davis Act, 1939; and for purposes connected therewith. [Assented to, 16th October, 1974.]

BE

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

J. H. BROWN,
Chairman of Committees of the Legislative Assembly.

Glen Davis (Amendment).

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Glen Davis (Amendment) Act, 1974".

Amendment of Act No. 38, 1939. **2.** The Glen Davis Act, 1939, is amended—

Sec. 1.
(Short title and commencement.) (a) by inserting in section 1 (4) after the matter relating to Part V the following matter :—

PART VA.—DISPOSAL OF LAND.

Part VA. (b) by inserting after Part V the following Part :—

**PART VA.
DISPOSAL OF LAND.**

Interpretation: Part VA. **26A.** In this Part—
"Crown lands" has the meaning ascribed thereto in the Crown Lands Consolidation Act, 1913;

"owner", in relation to town lands, includes every person who jointly or severally, whether at law or in equity—

- (a) is entitled to town lands for any estate of freehold in possession; or
- (b) is entitled to receive, or is in receipt of, or if the town lands were let to a tenant would be entitled to receive, the rents and profits thereof, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

"town

Glen Davis (Amendment).

“town lands” means lands granted under Part V or any part of those lands.

26B. The Minister may give written notice to an owner of town lands that the owner may divest himself of his estate and interest in those lands in accordance with the provisions of this Part. Notice by Minister of divesting.

26C. An owner of town lands may give written notice to the Minister that he wishes to divest himself of his estate and interest in those lands in accordance with the provisions of this Part. Notice by owner of divesting.

26D. Upon the receipt of a notice under section 26C, the Minister shall, in respect of the lands to which that notice relates— Search and notification.

- (a) cause a search to be made against those lands; and
- (b) give written notification to any person who appears to have an estate or interest in those lands, other than the person from whom the notice under section 26C has been received, which shall—
 - (i) state that a notice has been received under section 26C;
 - (ii) state that the Minister may, on the expiration of a period of not less than thirty days from the date of the notification, declare those lands to be Crown lands under section 26F;
 - (iii) inform the person to whom the notification is addressed that no compensation shall be payable to him on the making of a declaration under section 26F; and

(iv)

Glen Davis (Amendment).

- (iv) inform the person to whom the notification is addressed of his right to object to the Minister under section 26E against the making of a declaration under section 26F in respect of those lands.

Objections.

26E. (1) At any time during the period referred to in section 26D (b) (ii), a person who has or claims to have an estate or interest in the lands to which a notification referred to in section 26D (b) relates, may object in writing to the Minister against the making of a declaration under section 26F in respect of those lands.

(2) The Minister shall consider and determine all objections made under subsection (1) and shall notify each objector of his determination concerning the objection.

(3) The Minister shall not make a declaration under section 26F until such time as the period referred to in section 26D (b) (ii) has expired or until he has notified his determination of any objection made under subsection (1) to the objector, whichever shall last occur.

Minister
may declare
lands to be
Crown
lands.

26F. Subject to sections 26C, 26D and 26E, the Minister may, if he is of the opinion that it is desirable to do so, declare, by notice published in the Gazette, town lands to be Crown lands.

Minister
may declare
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26G. Subject to sections 26H, 26I and 26J, where, before or after the commencement of the Glen Davis (Amendment) Act, 1974, a rate levied under the Local Government Act in respect of town lands is overdue for more than five years, the Minister may, if he is of the opinion that it is desirable to do so, declare, by notice published in the Gazette, those town lands to be Crown lands.

26H.

Glen Davis (Amendment).

26H. The Minister shall not make a declaration under section 26G unless the shire clerk of the Blaxland Shire Council first certifies in writing what rates are due or payable to that Council in respect of the town lands, with particulars of the rates, when the rates were made and how levied and when they became due or payable. ^{Shire clerk's certificate.}

26I. Upon the receipt of a certificate from the shire clerk under section 26H, the Minister shall, in respect of the lands to which that certificate relates— ^{Search and notification.}

- (a) cause a search to be made against those lands; and
- (b) give written notification to any person who appears to have an estate or interest in those lands which shall—
 - (i) state that the Minister may, on the expiration of a period of not less than thirty days from the date of the notification, declare those lands to be Crown lands under section 26G; and
 - (ii) inform the person to whom the notification is addressed of the provisions of section 26J.

26J. Where, in respect of town lands, before the expiration of the period referred to in section 26I (b) (i)— ^{Payment of rates.}

- (a) an overdue rate, and all other rates due and in arrears, are paid to the Blaxland Shire Council; or

(b)

Glen Davis (Amendment).

- (b) an arrangement satisfactory to the Blaxland Shire Council for repayment of the rates referred to in paragraph (a) is entered into by the owner,

the Minister shall not make a declaration under section 26G.

Making of declaration by Minister.

26K. The Minister may make a declaration in respect of town lands under section 26G notwithstanding that a notice has not been received from the owner of those town lands under section 26C.

Divesting of estate, interest, etc., in land on publication of notice.

26L. On the publication in the Gazette of a notice under section 26F or section 26G, in relation to the town lands described in that notice—

- (a) any estate or interest therein which, immediately before the date of publication of the notice, was vested in or held by any person or body of persons shall be divested;
- (b) any person or body referred to in paragraph (a) shall be discharged from any duties, liabilities or obligations existing immediately before the date of publication of the notice in respect thereof;
- (c) any trusts, conditions, encumbrances, dedications or reservations affecting the town lands immediately before the date of publication of the notice shall be revoked and annulled; and
- (d) notwithstanding the provisions of the Local Government Act, the Blaxland Shire Council shall write off all rates and charges due to it in respect thereof.

No compensation payable.

26M. No compensation shall be payable to any person or body of persons in respect of the divesting of any estate or interest under this Part.

26N.

Glen Davis (Amendment).

26N. The Registrar-General shall make all such entries, recordings, notifications and cancellations in the Register kept by him under the Real Property Act, 1900, as to him seem necessary or convenient in consequence of the enactment of this Part. Registrar-General shall make entries, etc., in Register.

26O. A notice or notification authorised or required to be given under this Part may be given as if it were a notice required to be served upon an owner of land by or under the Local Government Act. Service of notices.

(c) by omitting section 33 (3) and (4) and by inserting instead the following subsection :— Sec. 33. (Regulations.)

(3) Section 41 of the Interpretation Act, 1897, applies in respect of a regulation as if this Act had been passed after the commencement of the Interpretation (Amendment) Act, 1969.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 16th October, 1974.*

